

RIGHTS OF DEFENDANT

You are here because you have been charged with a criminal or traffic offense under the Broadview Heights Codified Ordinances or violation of a Statute of the State of Ohio. Because of this, you are guaranteed certain rights by each the Ohio and the U.S. Constitutions. They are as follows:

1. The right to know the nature of the charges filed against you and if you do not understand the nature of the charges against you, to have them explained to you.
2. The right to be represented by counsel and the right be given a reasonable continuance to secure counsel. If you cannot afford counsel, your case can be transferred to Parma Municipal Court and that court can appoint counsel for you, if you qualify.
3. To have the right to be presumed innocent and you have the right to a trial in which the prosecutor is required to prove each and every element of the offense charged beyond a reasonable doubt. You have the right to a trial before a judge or jury in all cases except when the punishment does not include a potential jail sentence, in which case, you only have the right to a trial before a judge.
4. You have the right to call witnesses on your behalf at trial and the right to use the subpoena power of the court to do so and you have the right to cross examine witnesses against you.
5. You have the right to not make any statement in the proceeding and the fact you do not make a statement cannot be used against you. You may make a statement but if you do, that statement can and may be used against you.
6. You have the right to enter one of the following pleas when your case is called:
 - A. **GUILTY** – If you plead Guilty, you are admitting guilt and giving up all rights listed above.
 - B. **NO CONTEST** – If you enter a plea of No Contest, you are not admitting guilt, but are admitting the truth of the facts alleged in the complaint. This plea cannot be used against you in any subsequent civil or criminal proceeding and therefore is often used in cases of car accidents where a party would like to dispose of the traffic violation but is not admitting to liability for any damages arising out of the accident. If you enter a plea of No Contest, this Court will make a finding of guilt or innocence based on the facts alleged in the facts alleged in the complaint.
If either of these please is entered, the Court will allow you to speak on your own behalf prior to sentencing.
 - C. **NOT GUILTY** – If you enter a plea of Not Guilty, the Broadview Heights Mayor's Court does not have jurisdiction to hear your case, and it will therefore be transferred to the Parma Municipal Court for trial.

If you are not a citizen of the United States, you are hereby advised that a conviction of any offense may have consequences of deportation, and exclusion from admission to the United States or denial of naturalization pursuant to the laws of the United States.

In the event you are convicted of a traffic case, a record of that conviction will be sent to the Bureau of Motor Vehicles and will become part of your driving record. Ohio Law requires that you maintain auto insurance at all times when driving a vehicle. Failure to show proof of insurance will result in a suspension of your driving privileges by the Bureau of Motor Vehicles.

By signing below, you acknowledge that you have read and understand the rights listed above and that you understand you are waiving those rights when you enter a guilty or no contest plea.

ATTORNEY FOR DEFENDANT

DEFENDANT

DATE _____